

AMENDED IN ASSEMBLY MARCH 17, 2010

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1644

Introduced by Assembly Member Nielsen

(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members Arambula, Blakeslee, Blumenfield, Conway, Gilmore, Harkey, and Norby*)

(Coauthors: Senators Cox, Maldonado, and Runner)

January 12, 2010

An act to add Chapter 4.5 (commencing with Section 7250) to Division 7 of the Health and Safety Code, relating to cremated remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 1644, as amended, Nielsen. Veterans' remains.

Existing law regulates the custody, control, and interment of human remains.

This bill would allow prescribed entities in possession of the cremated remains of a veteran, *upon the request of a veterans' service organization, as defined*, to release specified information and remains to a veterans' service organization, ~~as defined~~, if certain conditions are met. The bill would require the veterans' service organization to take all reasonable steps to inter remains received. The bill would also exempt from civil liability an entity that releases information or remains after meeting the specified conditions and exempt from negligence a veterans' service organization that receives and inters remains if the veterans' service organization does not know or have reason to know that the remains were not released in compliance with the above conditions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section 7250) is
2 added to Division 7 of the Health and Safety Code, to read:

3
4 CHAPTER 4.5. CREMATED REMAINS OF VETERANS
5

6 7250. For purposes of this chapter, the following definitions
7 shall apply:

8 (a) "Information" means the data required by the Department
9 of Veterans Affairs to verify the status of a person as either a
10 veteran or the dependent of a veteran for purposes of eligibility
11 for burial in a national or state cemetery, including the person's
12 name, service number, social security number, date of birth, date
13 of death, place of birth, branch of the service, and military rank.

14 (b) "Veteran" shall have the same meaning as it is defined in
15 Section 940 of the Military and Veterans Code.

16 (c) "Veterans' service organization" means an association or
17 other entity organized for the benefit of veterans that has been
18 recognized or chartered by the United States Congress, including,
19 but not limited to, the Disabled American Veterans, Veterans of
20 Foreign Wars, the American Legion, the Legion of Honor, and the
21 Vietnam Veterans of America. The term also includes a member
22 or employee of an eligible nonprofit veterans' corporation,
23 association, or entity that specifically deals with verification and
24 veterans' burials.

25 7251. (a) A cemetery authority, cemetery corporation or
26 association, or other entity in possession of the cremated remains
27 shall, *upon request of a veterans' service organization*, release to
28 a veterans' service organization information required to verify a
29 person's status as a veteran or the dependent of a veteran. The
30 entity may release the remains to the veterans' service organization
31 *for the purpose of interment* when all of the following conditions
32 have been met:

33 (1) The veterans' service organization has verified that the
34 person is a veteran or the dependent of a veteran, eligible for burial
35 in a national or state cemetery.

1 (2) The entity has made a reasonable effort to locate the agent
2 or family member who has the right to control the remains.

3 (3) An agent or family member who has the right to control the
4 remains has made no attempt to claim the remains.

5 (4) The remains have been in the entity's possession for a period
6 of at least one year, ~~all or any part of which may occur before~~
7 ~~August 28, 2010.~~

8 (b) The cemetery authority, cemetery corporation or association,
9 or other entity that releases the information or remains pursuant
10 to this section shall not be subject to civil liability if the conditions
11 of this section are met.

12 7252. (a) A veterans' service organization shall take all
13 reasonable steps to inter remains received pursuant to this chapter.

14 (b) A veterans' service organization that receives and inters
15 remains pursuant to this chapter shall not be liable for negligence
16 if the veterans' service organization does not know or have reason
17 to know that the remains were not released in compliance with
18 Section 7251.